United Nations S/2011/55

Security Council

Distr.: General
3 February 2011

Original: English

Report of the Secretary-General on children and armed conflict in Afghanistan

Summary

The present report, which has been prepared pursuant to Security Council resolution 1612 (2005), is presented to the Council and its Working Group on Children and Armed Conflict as the second country report on the situation of children and armed conflict in Afghanistan. The report covers the period from 1 September 2008 to 30 August 2010.

The report focuses on grave violations committed against children, with an emphasis on recruitment and use of children, killing and maiming of children, and attacks on schools. It identifies parties to the conflict, both State and non-State actors, who are responsible for such violations. In particular, the report highlights how children have been used by anti-government elements, including for suicide bombing or for planting explosives, or recruited by the Afghan National Security Forces, despite the official government policy. It also sheds light on the detention of children for alleged association with armed groups by Afghan authorities, as well as international forces present in Afghanistan. In addition, there continue to be serious concerns about the increasing number of attacks on schools and on students that jeopardize the right of Afghan children to safely access education. The report also shows that children continue to be killed or maimed in suicide attacks or during engagements by Afghan and international forces. Finally, the report underlines the need for greater attention to the issue of sexual violence committed by armed parties to the conflict against boys and girls.

The report acknowledges that progress has been made since the last reporting period, especially in terms of dialogue with the Government of Afghanistan on the protection of children. In this context, it welcomes the commitment of the Government to signing an Action Plan against recruitment and use of children in the Afghan National Security Forces, with annexes on sexual violence against children and the killing and maiming of children in contravention of international law.

Finally, the report outlines a series of recommendations to all parties to the conflict and other stakeholders in Afghanistan. The recommendations aim at ending grave violations against children and at enhancing the overall protection of children in the context of the armed conflict in Afghanistan.

11-21744 (E) 090211

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I. Introduction

1. The present report, which has been prepared pursuant to Security Council resolutions 1612 (2005) and 1882 (2009), is the second country report on the situation of children and armed conflict in Afghanistan. It covers a period of two years, from 1 September 2008 to 30 August 2010.

2. The report identifies parties to the conflict, both State and non-State actors, responsible for grave violations and abuses committed against children in the context of the armed conflict in Afghanistan. It highlights trends of violations committed against children, and identifies areas for reinforced monitoring, as well as for development of interventions to prevent violations and respond to the needs of victims. The report includes specific recommendations to national and international actors to strengthen the protection of war-affected children in Afghanistan.

II. Political, military and social developments in Afghanistan

A. Background on latest developments relating to the conflict

3. The reporting period was marked by increased military activity and a continued deterioration in security, which heightened children's vulnerability to conflict-related violations. The year 2010 was the most volatile year in security terms since the fall of the Taliban in 2001. According to the United Nations, the number of security incidents was 40 per cent higher in January 2010 compared to January 2009, and 93 per cent higher in June 2010 compared to 2009. This was due in part to the continued attacks by the Taliban-led insurgency, their expansion into previously stable areas, such as northern and western Afghanistan, as well as increased counter-insurgency operations by Afghan National Security Forces and international military forces. Incursions of foreign fighters and the deteriorating security situation along the border area with Pakistan also contributed to increased insecurity.

4. Civilians, including children, continued to be victims of the conflict. The United Nations Assistance Mission in Afghanistan (UNAMA) 2010 mid-year report on the protection of civilians in Afghanistan highlighted the rising human cost of the armed conflict. As compared to 2,118 civilian casualties recorded in 2008 and 2,412 in 2009, the 2010 mid-year report documented 3,268 conflict-related civilian casualties between 1 January and 30 June 2010, a 31 per cent increase over the same period in 2009. In 2010, women and children made up a greater proportion of those killed and injured than in 2009, with child casualties increased by 55 per cent from the same period in 2009. Three quarters of all civilian casualties were linked to armed opposition groups, an increase of 53 per cent from 2009. On the other hand, civilian casualties attributable to pro-government forces decreased by 30 per cent compared to the first half of 2009. Civilian assassinations and executions by anti-government elements, and their use of a greater number of larger and more sophisticated improvised explosive devices throughout the country have increased harm to civilians.

5. The Taliban and other armed groups such as the Haqqani network and Hezb-i-Islami, increasingly resorted to asymmetric tactics, and "complex attacks",

including the use of combined improvised explosive devices and suicide attacks, as well as rocket and mortar attacks, which continued to rise in number and intensity. Incidents were focused primarily in the south, south-east, east and central regions. Previously stable regions such as the west and north-east regions have also seen increased numbers of security incidents. According to UNAMA, incidents involving improvised explosive devices increased by 56.8 per cent in 2009 compared to 2008, and by 94 per cent during the first quarter of 2010 compared to the same period in 2009. In the first half of 2010, there was a 155 per cent increase in child deaths through improvised explosive devices and suicide attacks attributable to armed opposition groups as compared to the same period in 2009.

6. Combined operations by international and national pro-government forces included a major push into central Helmand province in February 2010 by 15,000 troops from the Afghan National Army and the International Security Assistance Force (ISAF). During the initial weeks of this operation, approximately 28,000 people were displaced. The area remained intensely contested throughout the summer of 2010. Those who remained were subjected to a high level of assassinations and improvised explosive device attacks by anti-government elements, or caught in crossfire between pro-government forces and anti-government elements. It was not until September 2010 that the displaced began to return in large numbers. Major combat operations in the districts surrounding Kandahar City began in July 2010. Although they also caused displacement and property damage, the number of civilian casualties was far fewer than during the operation in central Helmand. Insecurity and access restrictions hampered efforts to monitor the impact of these operations on children.

7. The London Conference, held in January 2010, identified steps towards greater Afghan leadership in areas ranging from security to economic development, and from governance to regional cooperation. At the Conference, President Karzai outlined a peace and reintegration programme aimed at promoting peace through dialogue. The programme included the creation of a national peace council to oversee the reintegration of armed opposition fighters, and the establishment of a peace and reintegration trust fund to provide employment and financial incentives for those who renounced violence. However, within this programme, no specific reference is made, nor resources or responsibilities allocated for the particular needs of children directly affected by armed conflict, including sustainable reintegration of children associated with armed groups.

8. The Law on Public Amnesty and National Stability, gazetted in November 2008 but publicized only in January 2010, offers possible amnesty to perpetrators of past serious crimes, including grave human rights abuses, if they commit not to resume anti-government activities. Human rights and child protection actors expressed concerns that the law could be used to grant immunity for serious crimes under international law, including those perpetrated against children.

9. In April 2010, Afghanistan ratified the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) of the International Labour Organisation. The Rome Statute was ratified in 2003; however, it has yet to be incorporated into domestic legislation. The minimum age of recruitment into the Afghan National Security Forces is 18 years.

B. Armed forces and groups operating in Afghanistan

Afghan National Security Forces

10. Within the security sector reform framework, Afghan agencies responsible for national security have merged into the Afghan National Security Forces that now include the Afghan National Army, the Afghan National Police, the National Directorate of Security and the Afghan Public Protection Force. In January 2010, the Joint Coordination and Monitoring Board, co-chaired by the Government of Afghanistan and the United Nations, decided to increase the total strength of the Afghan National Army from 100,130 personnel to 134,000 by October 2010 and 171,600 by October 2011. It was also decided that the number of Afghan National Police would increase from 94,810 to 109,000 by October 2010 and 134,000 by October 2011. This has led to major recruitment campaigns in a country where birth registration is low, a factor that increases the risk of age falsification in national identity documents and subsequent recruitment of children. The Afghan National Police was listed in my ninth report on children in armed conflict for the recruitment and use of children.

11. The Government and its international partners have supported the building of rural community level self-defence forces through the Afghan Local Police programme and other community defence initiatives. The lack of birth registration and reliable national identification documents in these areas, coupled with the fact that the process is community-based, raise concerns in terms of potential association of children with this force. This requires close monitoring.

Armed opposition groups and other illegal armed groups

12. As of March 2010, an estimated 25,000 to 36,000 Taliban fighters were reportedly active in Afghanistan. Other armed opposition groups that have been active in the reporting period include the Haqqani network, the Hezb-i-Islami (Hekmatyar), the Jamat Sunat al-Dawa Salafia, and the Tora Bora Front. All these groups were listed in my ninth report on children and armed conflict for recruitment and use of children.

International military forces

13. In accordance with relevant Security Council resolutions, the primary role of ISAF is to assist the Government of Afghanistan in the establishment of security and stability in the country, and to conduct operations throughout the country with the Afghan National Security Forces. ISAF is also directly involved in the development of the Afghan National Security Forces through mentoring, training and equipping. In September 2008, ISAF was composed of approximately 47,699 troops from 40 contributing countries; by mid-November 2010, ISAF was composed of approximately 130,930 troops from 48 contributing countries. As of September 2010, there continued to be an estimated 20,000 troops deployed within Operation Enduring Freedom, led by the United States of America.

III. Grave violations and abuses of children's rights

14. Information collected through the Country Task Force for Monitoring and Reporting during the reporting period demonstrates that grave violations against children have increased. Given the deterioration in security and the resulting access constraints, not all incidents come to the attention of child protection actors, nor can they all be independently investigated. Therefore, available data is likely to underrepresent the actual impact of the conflict on children, and the extent to which grave violations are committed against children. The establishment of six regional task forces throughout the country during the reporting period has increased capacity to monitor, report, and verify incidents.

A. Recruitment and use of children by armed forces and armed groups

15. The recruitment and use of children by parties to the conflict was observed throughout the country during the two-year reporting period. While many cases reported by the media and other sources could not be confirmed owing to access and security considerations, the Country Task Force for Monitoring and Reporting verified 26 out of 47 reported incidents that provide evidence that children were recruited by armed groups as well as by Afghan National Security Forces, including the Afghan National Police.

16. Cases of children who carried out suicide attacks or who were used to plant explosives, at times unknowingly, were reported. These incidents often led to the deaths of the children involved. For example, in April 2009, an improvised explosive device placed in a wheelbarrow transported by a young boy prematurely detonated 15 metres from the Governor's office in Samangan province, killing the boy. Subsequent investigations indicated that the improvised explosive device had been planted without the knowledge of the boy. In a few documented cases, children were used to carry out suicide attacks. In April 2009, in Laghman province, a 16-year-old boy from Paktya province allegedly carried out a suicide attack against the mayor of Mehtarlam city, which reportedly killed six civilians.

17. Reports of the recruitment and use of children by armed opposition groups were further confirmed through interviews with children in custody under national security charges. This confirmed allegations that children had been lured into carrying explosives or trained in conducting suicide attacks by the Taliban against national and international security forces or government officials. Two boys reported that they had been kidnapped from Afghanistan in 2009 and taken to Pakistan, where they reportedly underwent military training. In December 2009, in the western region, a teenager allegedly associated with an armed group led by local warlord Ghulam Yahya, was identified in the Juvenile Rehabilitation Centre. The boy had been arrested in October 2009 and, according to the Prosecutor's office, was in possession of written instructions on how to prepare improvised explosive devices. The teenager was sentenced to four years' imprisonment. At the time of reporting, the boy's case was at the Appeal Court and being followed by UNAMA human rights officers.

18. Seven cases of children recruited from across the border in Pakistan and subsequently used to conduct military operations in Afghanistan were confirmed.

This is illustrated by the case of an 11-year-old Pakistani boy arrested early in 2009 in Nangarhar province in possession of explosives and suspected by the Afghan border police of planning a suicide attack. The child was transferred to a National Directorate of Security facility in Kabul for one month before the National Directorate of Security dropped the charges against the boy as he was below the minimum age of criminal responsibility.

19. The policy of the Government is not to recruit children under 18 years of age, and there are some measures in place to verify the minimum age of recruits at the provincial and training camp levels. However, interviews with victims, government officials and other sources confirmed that children were still recruited and used by Afghan National Security Forces during the reporting period. It is of concern that local level Afghan National Police offices also confirmed that recruitment campaigns have taken place in school compounds. Insufficient age-verification procedures, extremely low levels of birth registration in the country, opportunities to manipulate age in the national identity document, and the drive to increase troop levels within the Afghan National Army and the Afghan National Police have led to under-age recruitment.

20. In October 2009 in Kandahar province, a 16-year-old boy who was at the time officially employed as a police driver in a district police station, was arrested, after being in a road accident while driving a police car. He was sentenced to seven months' imprisonment in the Juvenile Rehabilitation Centre for his role in the accident. In July 2010, it was confirmed that he had been re-recruited into the same district police force following his release from detention. His release was reportedly obtained on intervention from the district Police Commander. The boy stated that he continued to receive a police salary while he was detained in the Juvenile Rehabilitation Centre.

21. In April 2010, in Kandahar province, a young boy about 12 years old was identified as working with the Afghan National Police. The boy was armed and in police uniform. He stated that he had been searching vehicles for the police for four months, and that he received 9,000 Afghanis (approximately $200) per month. Follow-up on this child was not possible due to security constraints.

22. In July 2010, in Ghazni province, a 15-year-old boy was identified as having been recruited into the Afghan National Police. The child reported that a false identification had been created for him by a police officer, and that he had subsequently been issued with a police uniform, and engaged in conflict with armed opposition groups. The boy was working at a checkpoint and reported that he had observed other children at other checkpoints in the area. This child was threatened by armed opposition groups to leave his job, was then arrested by the National Directorate of Security, who charged him with money forgery, and was sentenced to three and half years' detention by the primary court. The boy reported abuse by the National Directorate of Security.

23. In April 2010, it was reported that a district police department in Badakshan province had previously announced a recruitment campaign for girls into the police force. Police officials confirmed to the Country Task Force for Monitoring and Reporting that girls and boys who were literate and over the age of 16 would be accepted into police training courses. The case was brought to the attention of the Task Force by a letter issued by community members concerned about alleged

sexual abuse of these girls by police officials. The case was taken up with the Ministry of Interior for follow-up and intervention.

24. In addition, there were consistent reports of children associated with Afghan National Police units at checkpoints and police stations, in such functions as messengers and tea boys. In April 2010, Task Force members confirmed the use and association of at least three children under the age of 18 in the Daikundi provincial police department. These boys were being used to clean, cook and carry water. The Police Commander confirmed that he employed "orphans" to provide them with an income and care. The Commander also confirmed that formal recruitment takes place for children under 18 years of age if they are able to procure a national identity document which states that they are over 18.

Detention of children for alleged association with armed groups

25. Information was collected countrywide on some 382 children detained on charges related to national security. Data was not available for all months of the reporting period and access to detention facilities remained difficult. Ninety-seven cases were confirmed as relating to the conflict; all were aged between 9 and 17 and included one girl.

26. Children continued to be detained in international military forces detention facilities in contravention of international law. There is concern that such detainees are not treated in line with international standards for juvenile justice. No special protection measures are provided for such juveniles in detention except the requirement that they be accompanied by a representative, not necessarily a lawyer, at their Detainee Review Board hearings. For example, in July 2010, in Khost province, a 16-year-old boy was arrested and detained at the Parwan detention facility by ISAF on allegation of being a member of the Taliban. He was arrested at his home, along with his brother and father, the latter reportedly being the target of the raid. At the time of reporting, the boy had been in detention for at least two months. The boy reported that he was separated from his father and brother in detention, and that he had no other contact with his family. Despite a Detainee Review Board hearing on 29 September 2010, the boy remained in international military forces detention at the time of reporting. In February 2010, a 16-year-old boy from Nangarhar province was arrested in Jalalabad city on allegation of being a member of the Taliban. While in international military forces detention, the boy was allowed contact with his family. At the time of reporting, the boy's last Detainee Review Board hearing had been held in March 2010, but he remains in international military forces detention.

27. The National Directorate of Security also detains children allegedly associated with parties to the conflict. Between October 2009 and January 2010, in Helmand province, eight boys aged 15 and 17 were charged with having links to the Taliban and transferred from the National Directorate of Security to the Helmand Juvenile Rehabilitation Centre. Three of the boys were found guilty, and sentenced to three years' imprisonment. During the same period, four other boys were charged broadly with crimes against national security in Helmand province. Two of these boys were found guilty and sentenced to three years' imprisonment.

28. It is also of particular concern that children who are released from detention have little follow-up support. An illustration is the case of two boys, Pakistani nationals, aged 10 and 15 years old who were detained by the Ministry of Interior

between May and July 2009. While the willingness of the Ministry to share information on their cases is welcomed, the direct hand-over of these two boys, without appropriate monitoring, to their families raises concerns as to follow-up support once they are back in their communities. This is evidenced by the case of a boy who was reportedly kidnapped by the Taliban in Pakistan, reportedly trained to conduct suicide attacks in the Federally Administered Tribal Areas of Pakistan, and pressured into attempting a suicide attack in Afghanistan. After having been given a suicide vest, the boy surrendered to the border checkpoint of Nangarhar province in Afghanistan, and was transferred to Kabul, where he was detained by the Ministry of Interior for an unknown period.

29. The Country Task Force for Monitoring and Reporting supported advocacy for the return to Afghanistan of Mohammad Jawad in August 2009 after he was detained for more than six years at the United States detention facility at Guantanamo Bay. He was arrested as a child by Afghan security forces in 2002, detained at the Bagram detention facility and later transferred to Guantanamo. Appropriate support has yet to be granted by State institutions for sustainable reintegration. In August 2010 it came to the attention of the Country Task Force for Monitoring and Reporting that since his return to Afghanistan, he has been arrested three times by the National Directorate of Security and held in their custody, allegedly for links with ex-prisoners from Guantanamo Bay suspected of still belonging to armed opposition groups in Afghanistan.

B. Killing and maiming of children

30. During the reporting period, 1,795 children were injured or killed because of conflict-related violence although the figures are assumed to be underreported as access to conflict-affected areas remained difficult. Children continued to be casualties of suicide attacks, improvised explosive devices and rocket attacks by armed groups, including the Taliban. Children have also been victims of air strikes and night searches by pro-government forces. In addition, 568 children were injured or killed as a result of landmines and other explosive remnants of war during the reporting period.

31. A greater proportion of civilian deaths and injuries, including children is attributable to anti-government elements. In many cases, children were killed or injured when armed opposition groups, including the Taliban, targeted provincial civilian infrastructure such as district administrative centres or checkpoints situated near residential areas. Suicide attacks by armed groups have also resulted in the death and injury of children. For example, in August 2009, a person wearing a suicide vest detonated in Kandahar city reportedly killed 10 children and injured 7. However, it should be noted that the revised May 2010 Taliban Code of Conduct for Taliban fighters includes various guidelines on limiting the impact of the conflict on the civilian population, including limiting the use of suicide attacks.

32. Of grave concern is the killing of children by armed opposition groups, including the Taliban, on the suspicion that they were spies, or for being allegedly associated with or supporting international military forces. At least nine cases were reported of children executed on suspicion of spying for the international military forces, including the public hanging by the Taliban of a seven-year-old boy reported in Helmand province in June 2010. In February 2009, two young school students

were executed by armed opposition groups, while a third child was critically injured in Wardak province. They were suspected of spying for the international military forces because they had been seen speaking in English with international soldiers patrolling the area. In December 2009, a 16-year-old rickshaw driver in Laghman province was killed on suspicion of providing reports to the international military forces about the location of improvised explosive devices on the way to an international military base. Children have also been killed when armed opposition groups have targeted parents because of their association with the Government. In December 2009, a 16-year-old boy was killed alongside his father, a mullah, in Kunar province.

33. Children were also killed and injured as a result of air strikes and ground attacks by pro-government forces, particularly as a result of imprecise targeting or on the basis of misinformation. A total of 131 children were reportedly killed in 2009 as a result of air strikes, accounting for a large percentage of the child casualties by pro-government forces. The majority of them were recorded in the south, although major incidents occurred in other parts of the country. In February 2009, as a result of inaccurate information and lack of coordination between international military forces and Afghan National Security Forces during an air strike on Guzara district, Herat province, two bombs impacted on a Kuchi-nomad camp, killing 11 children. This was later confirmed by an ISAF investigation. On 4 May 2009, an air strike on a residential compound in the Bala Baluk district of Farah province claimed the lives of 64 women and children. On 3 September 2009, as a result of the hijacking of two fuel tankers by the Taliban in Kunduz province, an air strike was conducted, resulting in some 74 civilian deaths, including at least 41 children.

34. Efforts have been undertaken by the Government and the international military forces to minimize civilian casualties. A new ISAF command structure since September 2008, along with a counter-insurgency strategy that places more emphasis on protecting the civilian population, as well as guidelines and tactical directives to lessen the impact of the conflict on civilians, have contributed to a decrease in the number of civilian deaths attributable to the Government and international military forces. The tactical directives were further modified in July 2009 to provide guidance on the use of aerial attacks against residential compounds.

35. Despite such efforts, on 31 January 2010, in Uruzgan province, a five-month-old baby boy was killed during a raid by United States Special Forces. On 12 February 2010, a night raid conducted by international military forces and Afghan forces on a residential house in Gardez city, Paktya province, led to the death of five family members and injury to another four civilians, including a 15-year-old boy. In February and March 2010, at least 21 children were killed and four injured as a result of air strikes and mortar fire during a joint military operation in Marjah district, Helmand province. On 14 February 2010, 12 civilians, including 2 children, were killed by two international military forces rockets launched in Marjah town. According to an ISAF press statement, the rocket impacted approximately 300 metres off its intended target. Following this incident, international military forces suspended the use of the artillery rocket system, pending a review of the incident. On the same day, 12 members of one family, including children and women, were killed by an international military forces mortar round, which landed on their residence in Marjah city, Helmand province.

C. Sexual violence against children

36. Sexual violence continues to be vastly underreported and concealed in Afghan society. Sexual violence, including that against children, is pervasive. The general climate of impunity, a vacuum in the rule of law, lack of faith in investigating and prosecuting authorities, and misplaced shame have adversely affected the reporting of sexual violence and abuse against children to law enforcement authorities and subsequent prosecution of perpetrators. Child sexual abuse, against both girls and boys, is not clearly defined as a crime in Afghan law, and perpetrators of such violations are rarely held accountable.

37. The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape.

38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of *baccha baazi* (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights. In September 2009, an Afghan National Army soldier was arrested and accused of raping a 15-year-old boy in Kabul city. On 6 November 2009, a 16-year-old boy was reportedly raped by border police at the Islam Qala border in Herat province.

39. Insufficient protection for victims of sexual violence and witnesses to such incidents remains a concern. Fear of violent retaliation against victims and families was cited as a factor for underreporting. Child victims, both boys and girls, are often arrested and charged with intention to commit *zina* (sexual intercourse outside of marriage). There is also a lack of appropriate referral pathways for victims, including children, to receive services and care. Moreover, there is little awareness that rape and sexual violence are criminal offences.

D. Abduction

40. A total of 77 cases of abducted children, both boys and girls, were reported to the Country Task Force for Monitoring and Reporting during the reporting period. In several incidents more than one child was abducted. Information on the perpetrators and their motives was difficult to obtain; however, in the context of the prevailing security vacuum, criminality appeared the primary motive behind the majority of cases which in some instances are linked to the conflict. Several reports indicated the demand for large amounts of ransom, and several cases also involved sexual abuse against girls and boys.

41. Incidents indicate that armed groups abducted children for a variety of reasons, including retaliation, recruitment, ransom, and to pressure an exchange or release of certain individuals detained by the authorities. On 21 May 2009, in Faryab province, it was reported that the Taliban abducted a community elder and his 14-year-old son and demanded in exchange the release of one individual who had been previously arrested by government officials on charges against national security. The boy was allegedly released within a week. On 13 September 2009, in Khost province, it was reported that a 15-year-old boy was abducted by the Taliban from a mosque, accused of spying for the Government and international military forces, and later killed. On 27 October 2009, in Haska Meena district, Nangarhar province, near the Pakistani border, unidentified armed men reportedly abducted 13 boys aged between 8 and 13 years while they were collecting firewood. The boys escaped during an aerial bombardment. On 24 November 2009, the beheaded body of the 16-year-old son of a National Directorate of Security officer was found, one month after he had reportedly been abducted by the Taliban in Logar province.

E. Attacks on schools and hospitals

42. Incidents affecting education and educational facilities also increased since the last report. While 610 were recorded in 2009, 348 incidents were reported in 2008. Between January and August 2010, 285 incidents were reported to the country task force. Incidents included damage to schools, killing and injury of students and education personnel, threats and intimidations, and forced school closures. These incidents were perpetrated for the most part by armed opposition groups, including confirmed attacks by the Taliban, but also by communal and traditional elements opposed to girls' education. The southern region suffered the majority of attacks, while attacks spread to northern provinces previously considered as relatively safe, such as Takhar and Badakhshan. In 2009, there was a notable increase in attacks in areas around the capital, such as Kabul, Wardak, Logar and Khost provinces, and in the eastern provinces of Laghman, Kunar and Nangarhar.

43. The reporting period saw a significant increase in the number of explosives in schools and their vicinity, armed attacks against schools, collateral damage, schools affected by military operations, and schools used for political and military purposes. Information also indicated that an alarming number of schools were closed in certain areas, such as in Helmand province (more than 70 per cent) or in Zabul province (more than 80 per cent) for security reasons and ongoing military operations. Between May and July 2009, 14 incidents affecting education were reported in Logar province alone, including the burning of schools and during cross-firing, direct armed attacks, explosions in the vicinity of schools, and threats against teachers, school principals, and students in addition to the attack and abduction of teachers. On 6 July 2010, in Nangarhar province, a Provincial Reconstruction Team-constructed school was attacked by the Taliban, who detonated an improvised explosive device inside the school. Sixteen school rooms suffered damage. The district education officer arranged a gathering of community elders, members of protection shuras of six other nearby schools, students and their parents in order to encourage children to continue to attend school. On 14 July 2010, in Uruzgan province, the Taliban attacked and beat 15 students of a teacher training institute. The students were warned not to attend the institute; it is reported that the students

have obeyed these threats. On 4 August 2010, in Parwan province, a girls' school was closed for two days as a result of threats allegedly from the Taliban.

44. The stationing of security forces near education facilities has also led to schools being affected by collateral damage and deaths and injuries of students and teachers. For example, on 4 May 2009, in Zurmat district, Paktya province, international military forces and Afghan National Army took up positions near two schools, which resulted in the temporary closure of the schools. Also, on 27 June 2009, in Wata Pur district, Kunar province, mortars were fired by an armed group towards international forces and an Afghan National Army troop compound. Three projectiles missed their target and impacted on a boys' school resulting in two children being injured.

45. Concern remains about the occupation of schools by parties to the conflict. Such occupation put children and education personnel at risk, deny children the right to education and often result in damage to school buildings. Community leaders have expressed these concerns to the Country Task Force for Monitoring and Reporting, which raised them with ISAF/NATO, with no change at the time of reporting. For example, in Logar province, a high school for 1,500 students has been occupied since 2005 by the Afghan National Police and subsequently by the international military forces since 2007. At the time of reporting, the school remained occupied. Students and teachers are body searched on a daily basis as they enter the school. Community leaders report that approximately 450 students have chosen to leave this school. A boys' school in Kharwar district, also in Logar province, has been occupied by the international military forces since 2007. Between April and May 2010, two schools in the central region (in Logar and Maidan Wardak provinces) were temporarily used by IMF as a mobile clinic and an operating base. It was confirmed that on 21 April 2010 Taliban forces attacked the school in Logar province owing to the international military presence.

46. There was also an increase in the number of incidents of killing and injury, abduction and threats against students and teachers by armed opposition groups during the reporting period. For example, on 12 November 2008, in Mirwais Mena district, Kandahar province, several girls on their way to school were attacked by the Taliban with acid, causing serious injury. It was reported that the attackers had received a cash incentive to carry out the attack.

47. Health facilities also continued to bear the consequences of the armed conflict and the deterioration in security during the reporting period. Attacks on both health facilities and personnel increased significantly in 2009 to over 120 incidents reported to the Country Task Force for Monitoring and Reporting, as compared to 30 in 2008. In the first eight months of 2010, 43 incidents affecting health facilities and staff were verified out of the 60 reports received by the Task Force. Notable increases were seen in parts of the south-eastern, central, northern and western regions. Of particular concern is the situation in Kandahar, Nimroz, Kunar, Khost, Helmand, Wardak, Nangarhar and Kunduz provinces. The deteriorating security situation and continued attacks on health workers and facilities have forced many health facilities to close or scale down services, resulting in no or limited access for hundreds of thousands of Afghans to basic health care. Most incidents were attributed to armed groups, including confirmation of incidents perpetrated by the Taliban.

48. Ten incidents of direct armed attack against a health facility were reported during 2009. On 17 November 2009, in Khaki Safed district, Farah province, a group of armed Taliban raided an NGO-sponsored health facility, physically assaulted several health workers and abducted a local health-care worker. The Taliban warned the community not to use the health centre in the future and threatened staff who continued to work in the clinic. Burning, looting and forced closure of health centres and programmes, as well as the use of explosives in and around health facilities were also recorded. For example, on 5 January 2009, in Arghandab district, Kandahar province, the Taliban reportedly burned and destroyed a basic health centre which had previously provided health care to 20,000 families in the district. On 2 May 2009, in Khost city, Khost province, a health clinic was reportedly attacked by alleged Taliban elements, destroying four rooms of what was the largest clinic in the area.

49. Search operations conducted in and occupation of health facilities by ANSF and the international military forces were also of serious concern. Compromising the neutrality of health facilities disrupts the confidence of civilians who seek medical assistance while increasing direct risks to the facilities and undermining staff confidence to operate in a peaceful environment. Humanitarian organizations denounced national and international military forces regarding their conduct in health facilities in Badghis, Uruzgan and Wardak provinces.

50. Humanitarian actors advocated for limiting the use of schools and health facilities as polling stations during the August 2009 Presidential elections and the September 2010 Parliamentary elections. Almost 50 per cent (2,752 out of 5,989) of such polling stations were located in schools, increasing the risk of attacks during the election period. Although the exact correlations with the elections are not fully determined, in August 2009, there was a fivefold increase in reported incidents against schools compared to prior and subsequent months. Incidents included explosives placed inside or in the vicinity of schools and threats made against education officials if schools were used as polling centres. Local armed groups clearly stated that schools could not be used as polling centres as a precondition to their reopening. Similarly, attacks reported against health facilities also nearly doubled in August 2010 compared to the previous month.

F. Denial of humanitarian access

51. Humanitarian access continued to be seriously affected by widespread insecurity, which hindered the capability of aid agencies to assess needs, assist vulnerable populations and monitor provision of assistance. Large parts of the south, south-east, east, west, north-west and central regions of Afghanistan were assessed by the United Nations as "high risk" or "very high risk" areas for humanitarian agencies. Incidents of denial of humanitarian assistance have steadily increased during the past two years. Whereas in 2008 a total of 71 incidents were reported, incidents more than doubled in 2009 to 171 cases. In the first 8 months of 2010, 168 incidents were reported, of which the Task Force was able to verify 124 at the time of reporting.

52. The Taliban repeatedly issued public statements threatening anyone perceived as supporting the Government, including the United Nations. A new development in 2009 was the sharp rise in incidents affecting humanitarian actions in the northern

region (Kunduz, Balkh and Faryab provinces). The majority of incidents were attributable to armed opposition groups, and included complex attacks against compounds and vehicle/convoy ambushes and numerous threats to staff.

53. Violent incidents against local NGO staff and health workers also continued. Abductions remained the most common violation, with 49 humanitarian workers abducted by armed opposition groups, including the Taliban, in 2009. Incidents of abduction increased again in 2010, with 32 incidents targeting more than 80 humanitarian personnel. In July and August 2010 alone, 31 humanitarian personnel were abducted, the majority having been released within a week through interventions by tribal elders with the armed groups.

54. In addition to attacks and threats against humanitarian workers, programme delivery and aid provisions were themselves targeted by armed opposition groups, including the Taliban. In March 2009, 13 aid convoys (including one clearly marked as belonging to the United Nations) were attacked, looted or robbed by armed groups, some of whom might have been criminal groups. In August 2009, the border vaccination post in Narey district, Kunar province, which was used to provide vaccinations for children crossing the Afghanistan-Pakistan border, was reportedly burned by an armed opposition group suspected of being Taliban.

55. In May 2009, the humanitarian response to the aerial bombardment of Bala Baluk district, Farah province, was delayed owing to insecurity. Despite an International Committee of the Red Cross assessment and the mobilization by the United Nations of a relief convoy, local shuras were unable to guarantee safe passage for this aid, even after attempts to negotiate access with armed groups. An influx of foreign fighters associated with the Taliban was cited as the major obstacle to successful negotiations in this instance.

IV. Visit of the Special Representative for Children and Armed Conflict and the monitoring and reporting mechanism

56. My Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, visited Afghanistan from 20 to 26 February 2010 at the invitation of the Government of Afghanistan. The visit aimed at following up on the conclusions of the Security Council Working Group on children and armed conflict in Afghanistan of July 2009 (S/AC.51/2009/1). The Special Representative visited Kabul and met with President Karzai, key Ministers, ISAF, NATO, representatives of international and Afghan non-governmental organizations, members of the Country Task Force for Monitoring and Reporting, and a number of children and families affected by the conflict.

57. The Special Representative noted the political will expressed by the Government of Afghanistan to protect children and to heed the conclusions of the Security Council Working Group on children and armed conflict. She also noted the productive engagement of ISAF/United States Forces Joint Commander and with the NATO Senior Civilian Representative on protection of children in conflict through continued review of tactics and procedures, and post-incident investigations.

V. Dialogue and action plans to redress violations and abuses committed against children

58. In October 2009, the Government of Afghanistan appointed a high-level focal person in the Ministry of Foreign Affairs to act as the interface between the Government and the Country Task Force for Monitoring and Reporting on all issues relating to children affected by the armed conflict in Afghanistan. Additionally, a Government Steering Committee, consisting of eight Deputy Ministers, the Director of the National Directorate of Security and the Presidential Adviser on Health and Education was launched on 18 July 2010 with the objective to develop and implement an Action Plan to prevent recruitment and use of children in Afghan National Security Forces with the support of the Country Task Force for Monitoring and Reporting. On 30 November 2010, the Steering Committee approved the Action Plan, and its annexes on the prevention of sexual violence against children and the killing and maiming of children in contravention of international law. The Action Plan is scheduled to be signed on 30 January 2011.

59. An encouraging development was the issue of an executive order by the Ministry of Interior on 24 April 2010 for the prevention of recruitment of children into the Afghan National Police. This prohibits children from being recruited or used within the Afghan National Police, requires children found within the Afghan National Police to be separated in 30 days, provides that efforts be made for reintegration, and orders investigations and disciplinary action against those found to be recruiting or using children. UNAMA made its first unannounced verification visit to the Afghan National Police recruitment and training centre in Kunduz city, Kunduz province, in May 2010, noting that the executive order was clearly posted on the walls of the centre, and that the content of the decree was well known to both trainers and new recruits. The Ministry of Interior has pledged to issue a list of children who have been separated from the Afghan National Police since the decree was issued, and details on what provisions were made for the reintegration of these children.

60. The current security situation in Afghanistan has impeded the initiation of dialogue with armed opposition groups on the recruitment of children into their ranks. While no Action Plan to stop the use and recruitment of children and other violations is currently in discussion with armed groups, dialogue at the community level has proven partially successful, in particular for the continuation of vaccination campaigns, the reopening of schools, and the safe passage of humanitarian delivery in some areas.

VI. Follow-up and programmatic response to violations and abuses committed against children

61. A number of initiatives took place to address the violations and abuses committed against children affected by conflict in Afghanistan including: legal aid for children, including for children supported by the United Nations Children's Fund (UNICEF) detained on charges of alleged association with armed groups; negotiation by relevant organizations with the Government, armed opposition groups and community elders to facilitate health-care access and delivery, negotiation towards community-based protection of schools, and support to school

infrastructure rehabilitation; and negotiation and release of abducted health-care workers.

62. In addition, relevant actors including Country Task Force for Monitoring and Reporting members, UNAMA, the World Health Organization, UNICEF and the Office for the Coordination of Humanitarian Affairs, engaged with national and international security forces on military occupations and interventions in health and educational facilities, and UNAMA advocated for the continued development of policies to reduce civilian casualties of conflict.

63. Briefings on the monitoring and reporting mechanism on children and armed conflict were conducted for NGO partners and relevant government departments, in the northern, eastern, south-eastern, central, western and southern regions of the country by Country Task Force for Monitoring and Reporting members. Twenty-seven NGO partners and representatives of the Country Task Force for Monitoring and Reporting took part in a three-day roll-out of the standardized global monitoring and reporting mechanism training toolkit in August 2010.

64. Between January and the end of August 2010, the United Nations supported the Mine Action Coordination Centre of Afghanistan and its partners provided mine risk education to 278,147 women and girls and 379,901 men and boys throughout Afghanistan.

VII. Recommendations

65. I welcome the endorsement by the Government of Afghanistan of the Action Plan to prevent the recruitment and use of children in Afghan National Security Forces, and the annexes to the Plan on the prevention of sexual violence against children and the killing and maiming of children. I urge the Government to ensure that adequate resources are allocated for effective implementation of the Action Plan, including introducing legislation aimed at criminalizing the recruitment of children in armed conflict and ensuring that no impunity is granted for grave violations against children under international law.

66. I call upon the donor community to ensure that flexible and sustainable funding is available for the timely and effective implementation of the aforementioned Action Plan by the United Nations and the Government of Afghanistan. Such funding should also take into account adequate monitoring and reporting activities to ensure compliance with the Action Plan, including the deployment of monitors in remote conflict-affected areas.

67. I urge the Government to ensure that appropriate child-specific provisions, and the allocation of adequate resources, are included in the Afghan Peace and Reconciliation Programme and in all peace and reconciliation efforts pursued by the Government with non-State actors.

68. I strongly encourage the Government to work closely with the Country Task Force for Monitoring and Reporting to strengthen reporting under Security Council resolution 1882 (2009) on sexual violence against children and killing and maiming of children, and to ensure an appropriate and swift programme and accountability response for victims of such violations.

69. I strongly urge the Taliban, the Haqqani network, Hezb-i-Islami and all other armed groups who are parties to the conflict to immediately stop the recruitment and/or use of children, and call upon them to undertake a dialogue with the United Nations country team in Afghanistan to arrange for the release of these children and cease any new recruitment or use, as called for in Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

70. All parties to the conflict are urged to comply with principles of international law, to recognize and maintain the neutrality and safety of schools and hospitals, including their personnel, as "zones of peace".

71. I urge the Government and the international military forces to ensure due process for all juveniles detained because of their alleged association with armed groups, regardless of the arresting authority, with an emphasis on alternatives to prosecution, and to work on developing notification procedures to the Country Task Force for Monitoring and Reporting for all such children in their custody.

72. I call upon the international military forces and Afghan National Security Forces to continue their ongoing efforts to review tactics and procedures to avoid civilian casualties, particularly those of children. The United Nations stands ready to cooperate with their efforts.